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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,641	02/26/2002	Patrick L. Faith	VISAP065	5363

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EXAMINER

LEMMA, SAMSON B

ART UNIT PAPER NUMBER

2132

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/085,641	<b>Applicant(s)</b> FAITH ET AL.	
	<b>Examiner</b> Samson B. Lemma	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 25-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***DETAILED ACTION***

1. This office action is in replay to an amendment filed on September 21, 2006.

**Claims 25-38** are pending/examined.

2. Supervisor Gilberto Barron reviewed the applicant's argument regarding the applicant's request for consideration of finality of the previous office action. The supervisor decided that this office action should be a non-final office action instead of advisory action. Accordingly, applicant's request is taken into consideration.

### ***Response to Arguments***

3. Applicant's remark/arguments filed on September 12, 2006 have been fully considered but they are not persuasive. Examiner asserts that applicant has not amended/changed the limitation of at least the independent claims and Applicant's argument has been fully considered and they are not persuasive. As it was clearly indicated in the final office action all the limitation of the independent claims have been disclosed by the reference on the record namely Basch. In order to clarify how each and every limitations of the independent claim is disclosed by the reference on the record, Examiner would point out the following. Regarding the independent claims, Basch discloses a method of assessing a financial fraud risk [title, abstract] within a distributed client [Abstract, account issuer/sink]/server system [column 6, lines 55, "FRPS 100"], said method comprising:

Receiving first and second financial transactions from transactional information source at a central computer system; [Abstract] ("A computer-implemented method for predicting financial risk, which includes receiving first transaction data pertaining to transactions performed on a first financial account. The first financial account represents a financial account issued to a given account holder by a first account issuer. The method further includes receiving second

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transaction data pertaining to transaction performed on a second financial account different from the first financial account")

- Generating first features for said first financial transaction at said central computer system;[Abstract, "scoring the first transaction"]
- Generating second features for said second financial transaction at said central computer system;[Abstract, "scoring the second transaction"]
- Determining feature changes between said first features and said second features at said central computer system; [ Abstract] (Determining whether or not the score is below a predefined financial risk threshold meets the limitation of determining feature changes between said first features and said second features]
- Encrypting said features changes at said central computer system; [column 8, lines 40-51 and ] (The control parameters may include, for example, BIN lists (i.e., lists of account number ranges from participating account issuers), scoring options, report options, encryption options, and the like. The control parameters, which may be received from account issuers via FRPS management module 112, are then employed by FRPS 100 to process the input data and properly format and encrypt the alerts and scores to the various data sinks (i.e., the receiver of the generated credit scores and/or credit alerts).
- Transmitting said encrypted feature changes from said central computer system to a client computer System [column 8, lines 39-51 and column 9, lines 44-49, column 9, lines 38-49; column 9, lines 62- column 10, line 2] (FRPS system met the central computer system and various data sinks or transaction authorization system or account issuers or other data

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customers shown on figure 1 and as an example indicated on column 9, line 47-48 met the client computer system];

- Receiving a local, current financial transaction at a client computer system; [Column 9, lines 46-48] (Transaction authorization system making a transaction indicated on column 9, lines 46-48 meets the limitation of receiving a local, current financial transaction at the client/authorization computer)
- Encrypting said current transaction at said client computer system; generating local features from said encrypted current transaction at said client computer system; [Column 10, lines 49-58]
- Comparing said local features to said received features changes at said client computer system; scoring the result of said comparing to produce a fraud risk value associated with said local, current financial transaction, whereby the risk associated with said current transaction is assessed in a distributed manner.[Column 9, 44-61]

Applicant's request for consideration of finality of the previous office action, accordingly the request is taken into consideration. However, the Examiner would point out that since the limitation of claims have not been amended or changed and since the applicant's argument is not found persuasive, re-writing another final office action would just be a repetition. Therefore the Examiner decided to write the advisory office action instead of writing another final office action, which has the same content as that of the previous final office action.

The Examiner would also point out that, even though, the application contains allowable subject matter, the independent claims have not yet been written to overcome the ground of rejection set forth in the final office action. For instance at least if the independent claims 25 and 32 incorporates limitations recited in the corresponding dependent claims 26 and 33, it would not only overcome the ground of rejection but also possibly make the case allowable. Regarding the argument presented to dependent claims, the examiner would indicate the fact that the dependent claims stands and falls with the corresponding independent claims.

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The rejection is maintained until the applicant amends the independent claims as it suggested above or otherwise and able to overcome the ground of the rejection set forth in the previous final office action.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 25-36** are rejected under 35 U.S.C. 102(e) and 102 (a) as being anticipated by **Basch et al.** (hereinafter referred as **Basch**) (U.S. Patent Number: 6,119,103).

6. **As per claim 25-36 Basch discloses** a method of assessing a financial fraud risk [title, abstract] within a distributed client [Abstract, account issuer/sink]/server system [column 6, lines 55, "FRPS 100"], said method comprising:

**Receiving first and second financial transactions from transactional information source at a central computer system;** [Abstract] ("A computer-implemented method for predicting financial risk, which includes **receiving first transaction data pertaining to transactions performed on a first financial account**. The first financial account represents a financial account issued to a given account holder by a first account issuer. **The method further includes receiving second transaction data pertaining to transaction performed on a second financial account** different from the first financial account")

- **Generating first features for said first financial transaction at said central computer system;**[Abstract, "scoring the first transaction"]
- **Generating second features for said second financial transaction at said central computer system;**[Abstract, "scoring the second transaction"]
- **Determining feature changes between said first features and said second features at said central computer system;** [ Abstract] (Determining whether or not the score is below a predefined financial risk threshold meets the limitation of determining feature changes between said first features and said second features]
- **Encrypting said features changes at said central computer system;** [column 8, lines 40-51 and ] (The control parameters may include, for example, BIN lists (i.e., lists of account number ranges from participating account issuers), scoring options, report options, encryption options, and the like. The control parameters, which may be received from account issuers via FRPS management

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module 112, are then employed by FRPS 100 to process the input data and properly format and encrypt the alerts and scores to the various data sinks (i.e., the receiver of the generated credit scores and/or credit alerts).

- **Transmitting said encrypted feature changes from said central computer system to a client computer System [column 8, lines 39-51 and column 9, lines 44-49, column 9, lines 38-49; column 9, lines 62- column 10, line 2] (FRPS system met the central computer system and various data sinks or transaction authorization system or account issuers or other data customers shown on figure 1 and as an example indicated on column 9, line 47-48 met the client computer system];**

- **Receiving a local, current financial transaction at a client computer system; [Column 9, lines 46-48] (Transaction authorization system making a transaction indicated on column 9, lines 46-48 meets the limitation of receiving a local, current financial transaction at the client/authorization computer)**

- **Encrypting said current transaction at said client computer system; generating local features from said encrypted current transaction at said client computer system; [Column 10, lines 49-58]**

- **Comparing said local features to said received features changes at said client computer system; scoring the result of said comparing to produce a fraud risk value associated with said local, current financial transaction, whereby the risk associated with said current transaction is assessed in a distributed manner.[Column 9, 44-61]**

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### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

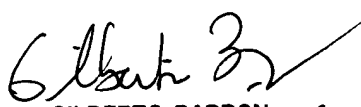
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**SAMSON LEMMA**

**S.L.**

10/13/2006

  
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